

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 15, 2000
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Lambke, Martz, Pisciotte, Rogers; present. *Council Member Gale absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Mark Brown, Native American, gave the invocation.

*Council Member Gale present.

Council Members, staff, and guests participated in the pledge of allegiance.

Minutes -- approved

The minutes of the regular meeting of August 8, 2000, were approved 7 to 0.

AWARDS AND PRESENTATIONS

ACHIEVEMENT

Award for Outstanding Engineering Achievement - Groundwater Recharge Demonstration Project was presented.

PROCLAMATIONS

Proclamations previously approved were presented.

SERVICE CITATIONS

Distinguished Service Citations were presented.

NEW BUSINESS

HILLTOP PLAN

HILLTOP NEIGHBORHOOD REVITALIZATION PLAN. (District III)

Marvin Krout

Director of Planning explained necessity of adopting as part of Comprehensive Plan.

Ray Ontiveros

Land Use/Research Supervisor/Planning reviewed the Item.

Agenda Report No .00-0794.

During 1999, the Metropolitan Area Planning Department worked with Development Concepts Inc., a private consulting firm from Indianapolis, Indiana and with several neighborhood associations to develop vision and neighborhood plans in four neighborhoods of the City of Wichita. Funding for these plans was provided by the Kansas Department of Commerce and Housing (KDCH) through the Metropolitan Community Capacity Building Grant program.

The Hilltop neighborhood plan is the second of these four plans to be completed and presented for adoption as an amendment to the Comprehensive Plan. The neighborhood's boundaries are: Lincoln Street on the north; Oliver on the east; Harry Street on the south; and Bluffview on the west. The neighborhood was a prime candidate for neighborhood planning for a number of reasons:

1. The existence of older World War II housing, much of which was deteriorating;
2. The number of poorly maintained properties in the neighborhood;
3. The desire to protect the area from crime;
4. The lack of access to some lots and of parking;
5. The initiative of the Hilltop Improvement Alliance and the Hilltop Evangelical Free Church to spearhead the rejuvenation of the area;
6. The strong interest and support of the neighborhood residents

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The plan has been completed within the timeframe set forth by the City of Wichita and the Kansas Department of Commerce and Housing. A briefing was held before the MAPC on April 13, 2000 and a public hearing, in accordance with Kansas State law, was conducted on July 13, 2000. The hearing was attended by ten neighborhood residents, who through a single spokesman, voiced support for the plan. No one spoke in opposition. On August 1, 2000, the District Advisory Board for Council District 3 heard a presentation on the plan, and unanimously recommended its adoption by the Wichita City Council.

The plan emphasizes maintenance, building repairs and other improvements to existing housing to a greater extent than new development. The plan does not call for major land clearance and complete redevelopment, but rather recognizes the desire of people to continue improving some of the existing housing. Participants in the planning process have expressed interest to own their homes and to have rental properties maintained to avoid detracting from the neighborhood. The main issues raised in the self-evaluation process were for the neighborhood to:

1. Focus revitalization by capitalizing on the strengths of Friendship Park, the community garden and the churches.
2. Remove abandoned houses.
3. Increase potential for crime reduction through design changes and better lighting.
4. Maximize access to homes and circulation throughout the neighborhood.
5. Provide facilities for community interaction.

The plan seeks to accomplish these through:

- ? Additional open space
- ? Improvements to existing housing
- ? New streets
- ? The strategic phasing of improvements

To be successful with implementation, several important steps will need to be taken: These include identifying specific properties for acquisition, rehabilitation or removal, identifying costs for the recommended improvements, e.g., park areas, redesigned streets, parking areas, streetlights, pathway development, and affordable home improvement programs. The plan needs to be adopted in order to:

1. Demonstrate to neighborhood and city-wide lenders, developers and investors that a practical and workable neighborhood plan has been prepared by a qualified consulting firm, and that the neighborhood and City Council are in support of the revitalization goals found within,
2. Provide evidence to the State of Kansas' Department of Commerce and Housing that the plan, prepared with State assistance, has been adopted thus, allowing for new funding opportunities through State implementation grants.
3. Have documentation of local plan acceptance to support the submission of funding applications to charitable and private foundations, and to HUD, and
4. Demonstrate to the stakeholders of the neighborhood that their efforts and concerns are recognized and have been deemed worthy objectives to be included in the Comprehensive Plan.

The adoption action itself involves no funding from the City. In the future, this area will continue to be eligible for technical and financial assistance in accordance with the City's Neighborhood Revitalization Plan. Furthermore, by virtue of its housing conditions and income levels, the neighborhood will likely be eligible for new City redevelopment incentive programs that are currently being developed.

A public hearing, in accordance with Kansas State law, was held on July 13, 2000. Prior to that hearing, the required notice of public hearing was published in the official City newspaper. The Wichita-Sedgwick County Metropolitan Area Planning Commission voted unanimously (12-0) to recommend adoption of the plan.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Dennis Hesselbarth

Dennis Hesselbarth said the area people would continue to work hard to make the community a more pleasant place to live.

Matt Foley

Matt Foley, Hillside Residential Association, urged approval of the Plan. The Plan does not request a high amount of outside funding. It is hoped that, when the time comes, there will be outside help.

Motion --
-- carried

Lambke moved that the Hilltop Neighborhood Revitalization Plan, as an amendment to the Wichita-Sedgwick County Comprehensive Plan, be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance adopting the Hilltop Neighborhood Revitalization Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan, introduced and under the rules laid over.

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BUDGET

PUBLIC HEARING ON 2001 ANNUAL OPERATING BUDGET AND REVISIONS TO THE 2000 BUDGET.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 00-0795.

The City Council has received public comments and held workshops on the proposed 2001/2002 budgets. On August 1, 2000, the City Council authorized the publication of the hearing notices, and set the maximum mill levy for the 2001 City budgets.

2001 Operating Budget. The proposed 2001 annual operating budget has been published at \$309,960,840. Interfund transactions and appropriated fund balances increase this amount to \$376,410,645. The inclusion of the expendable trust funds, as required by State Law, is an additional \$75,825,204 for a total of \$452,235,849. As published, the budget will necessitate a mill levy of 31.406, no change from the levy requirement for the 2000 adopted budget.

The General Fund property tax levy is \$44,320,250 (including a delinquency allowance) at an estimated 21.355 mills. The levy for the Debt Service Fund is \$20,859,890 (including a delinquency allowance) and is estimated at 10.051 mills.

Jointly Funded Budgets: The General Fund includes City of Wichita contributions to the jointly funded City-County budgets, as identified in the table below.

	<u>City</u>	<u>County</u>	<u>Revenue</u>	<u>Total</u>
Flood Control	\$ 703,930	\$ 703,920	0	\$1,407,850
Community Health	\$2,746,450	\$1,830,970	\$401,900	\$4,979,320
Metropolitan Area Planning	\$ 588,460	\$ 588,460	\$253,510	\$1,430,430

It is necessary for the City Council to approve joint agreements to continue these functions. The County Commission is expected to likewise approve the County share of these functions; however, the amount included for Community Health in the County's proposed 2001 budget differs from the amount above. The County has included only \$1,702,790 – a difference of \$128,180 in the County share. The County's proposal would reduce the total Health budget from \$4,979,320 to \$4,660,600 (a difference of \$318,720) and would reduce the City's share from \$2,746,450 to \$2,555,910 (a difference of \$190,540).

The difference relates to a proposal by the County to transfer responsibilities for nuisance abatement outside the Wichita City limits away from the joint Health Department and to the Sedgwick County's Code Enforcement Department. The proposal would eliminate two inspector positions.

Subsequent to publication of the proposed budgets, the County has agreed to add back funding for one position in 2001. Based on County staff estimates, this would increase the County's proposed contribution to \$1,744,330 and would make the total City-County Health Department budget \$4,762,720. The City's contribution would be \$2,616,490 – a difference of \$129,960. The decrease in contributions to the City-County joint budget will be offset by an equal amount increase in City-only General Fund Health Budget. Under the circumstances, the City should move forward to approve local agreements based on these latest proposed amounts for City-County Health and for the amounts outlined above for Planning and Flood Control. The City will consider restoring the lost inspector position through CDBG resources.

Changes to the Proposed Budget. The proposed budget eliminated funding for the Minisa neighborhood branch library in order to provide partial funding of the new Bookmobile. Consensus among the Council during a recent retreat was to restore the net \$90,500 for annual operating expenses of Minisa. This change will be accommodated through line item reductions and/or increased planned savings, as directed by the City Manager in order to remain within the published total for General Fund expenditures.

Fee Changes. The 2001 Proposed Budget assumes the following actions with respect to fees:

- o A water rate increase of 5% will be required in 2001 to fund capital expenditures of the utility.
- o A sewer rate increase of 5% will be required in 2001 to fund capital expenditures of the utility.
- o An increase of 5¢ (from \$1.27 to \$1.32) in the Storm Water Utility equivalent residential units (ERU) rate is required to sustain the "hot spots" program.

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2000 Revised Budget. Some revisions in the 2000 budget are proposed. Increased expenditure authorizations are needed for eight funds. All revisions have been incorporated into the proposed 2001/2002 budget document as "2000 Revised" amounts.

1. The Debt Service Fund (DSF) is increased \$14,897,679. Temporary note financing was increased to provide expenditure authority for several capital projects included in the adopted Capital Improvement Program (CIP) but not yet incorporated in the DSF. Additionally, an extraordinary effort was made to move project accounts to closure and initiate long-term GO financing.
2. The Landfill Fund is being amended \$3,254,430, allowing \$3,500,000 for a construction and debris (C&D) landfill option.
3. The Gilbert and Mosley Tax Increment Financing (TIF) Fund is increased \$582,720 to offset legal expenses made necessary by the prolonged process to obligate potentially responsible parties.
4. The Economic Development TIF Funds must be certified at this time as special revenue funds. The three ED TIFs are: Old Town, East Bank, and 21st and Grove. Previously, these were fiduciary funds that did not require certification; however, it is believed these funds would probably be better designated as special revenue funds. The combined total of the three funds is increased \$8,630.
5. The Sewer Utility Fund is amended by \$300,890 in order to pay increased principal and interest expenses stemming from a refunding issue consummated in 1999. The refunding issue had not been completed in time for the new debt service figures to be included in the 2000 Adopted Budget.
6. The Storm Water Utility Fund requires an increased expenditure authority of \$5,413,880 to provide cash financing for capital projects that had not been initiated when this budget was originally adopted. A contingency amount has also been provided for any subsequent projects identified this year.
7. The Telecommunications Fund is amended \$223,590. Late billings in 1999 caused some expenses to be rolled into the current year budget. The savings in 1999 will offset the extraordinary costs in 2000. Also, costs have increased due to plexar service lines being added; however, these costs are offset through increased revenues to the Fund. In 2001, this fund is consolidated with the Data Center Fund to create a new Information Technology Fund. Were this consolidation made immediately effective, reduced expenditures in the Data Center Fund would have more than offset the necessary Telecom increases and a re-certification would not have been required.

Highlights. The Proposed Budget requires no property tax increase; the City's 31.406 mill tax levy will remain the same. The 2001 General Fund budget is balanced with no requirement to draw down reserves. The Public Safety Initiative, which added 136 police and 13 court and prosecutorial personnel, now moves to address the remaining safety service: Fire. Contract funding and additional maintenance personnel are included to enhance streets, parks, and facilities maintenance. Economic Development incentives are included for inner city redevelopment. Quality of life initiatives continue to recognize the value of leisure programs and services to support parks and recreation, museums, and libraries, including at-risk youth initiatives.

Publication of the notice of formal hearing on August 4 set the maximum dollars that may be expended in each fund. The City Council may reduce expenditures required (and proposed tax dollars to be levied) but not increase expenditures previously established.

Publication requirements of State law for the final (formal) public hearing have been met. Appropriate disclosure is included within the ordinance of property tax increases not related to assessed value added by improvements, appreciating personal property and/or annexation. Following final Council action on the proposed budget, proper certification will be made of the property taxes to be levied in conformity with State law.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Karl Peterjohn

Karl Peterjohn, Kansas Taxpayers Network, said, by his calculations, the City's property tax increased last year by almost \$300,000. If the proposed budget is approved, unchanged, the City's property tax collections would be increased by a like amount, plus appraised value increases next year.

The Taxpayers Network asked the City to return it to the citizens of Wichita.

Motion --

Knight moved that the public hearing be closed; the 2001 budget (including revisions, amendments to the 2000 adopted budget (including necessary changes to accommodate restoration of Minisa Library operating expenses), the joint agreements with Sedgwick County (including adjustments to the Community Health budget), and the use of local funds derived from property within the corporate limits for the Wichita State University Board of Trustees (Interlocal Agreement between the City and County) be approved; the necessary signatures be authorized; and the Ordinances be placed on their passage and adopted. Motion carried 7 to 0.

-- carried

ORDINANCE NO. 44-696

An Ordinance making and fixing general tax levy for the City of Wichita, Kansas, for the year beginning January 1, 2001, and ending December 31, 2001, and relating thereto, and concurrently approving certain amendments to the

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1999 adopted budget, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE NO. 44-697

An Ordinance making and filing an increment in ad valorem taxes for the Gilbert and Mosley site redevelopment district, City of Wichita, Kansas, for the fiscal year beginning January 1, 2001, and ending December 21, 2001, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE NO. 44-698

An Ordinance making and filing an increment in ad valorem taxes for the North Industrial Corridor redevelopment district, City of Wichita, Kansas for the fiscal year beginning January 1, 2001, and ending December 31, 2001, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(This Item was taken up later in the meeting; action shown in Agenda order)

SANITARY SEWER

SANITARY SEWER TO SERVE PROPERTIES IN THE AREA EAST OF MAIZE ROAD, NORTH AND SOUTH OF K-42 HIGHWAY. (District V)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 00-0796.

On July 18, 2000, the City Council adopted a Resolution setting August 15, 2000, as the public hearing date for a sanitary sewer to serve an area east of Maize Road, north and south of K-42 Highway. Mid-Continent Industrial Park, located south of K-42, north of MacArthur Road and east of Maize Road, is platted and partially developed. The area was recently annexed into the City. The area has a private water system and a private sewer lagoon operated by the Sedgwick County Public Works Department. The sewer lagoon system is inadequate to handle present development. The Kansas Department of Health and Environment has notified the County that corrective action must be taken for the system to remain permitted.

An undeveloped, platted industrial park north of K-42 has petitioned for sewer service from the City. There are also two pending land sales in the Mid-Continent Park that will involve significant construction and employment of over 600 persons. The existing sanitary sewer system cannot accommodate the additional development.

Potential for additional development (in the area between the City's existing sewer system and the Mid-Continent Industrial Park) indicates the project should be designed to accommodate expected future development.

The estimated project cost is \$690,000, with \$345,000 assessed to the improvement district and \$345,000 paid by the Sewer Utility. The estimated rate of assessment is \$00.034 per square feet of ownership.

Kansas State Statutes authorize the City Council to order in the project. The action is not subject to a legal protest.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Duane Earls

Duane Earls said that, while he was not opposed to the project, he would lose some wheat land and that he did have some questions.

Mr. Earls was referred to the City Engineer for response to his questions.

Bill Johnson

Bill Johnson said water extensions should also be examined for installation at the same time the sewer lines are installed. Mr. Johnson said he would also like to know the cost of water service. It is only a matter of time before water service will be needed in the area.

Mike Lindebak

City Engineer stated that petitions have been prepared for the area but, as of yet, a majority petition has not been received.

The City will work directly with Sedgwick County regarding the closure of the lagoon.

Motion --
-- carried

Martz moved that the project be approved; the Resolution be adopted; and the Staff screening and selection committee be authorized to select a design architect. Motion carried 7 to 0.

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RESOLUTION NO. R-00-313

Resolution of findings of advisability and Resolution authorizing construction of lift station and force main to serve skyway Industrial Park, Mid-Continent Industrial Parks I and II, Dugan Industrial, Second and Third Additions, and unplatted tracts – east of Maize, north and south of K-42 Highway, 468-83149, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

Motion --
-- carried

Rogers appointed Carl Brewer (Comprehensive Plan Citizen Review Committee) and moved that the appointment be approved. Motion carried 7 to 0.

TRAVEL APPROVAL

APPROVAL OF COUNCIL MEMBER PISCOTTE'S TRAVEL TO LAKE OSWEGO, OR, TO ATTEND NATIONAL LEAGUE OF CITIES COMMUNITY AND ECONOMIC DEVELOPMENT STEERING COMMITTEE MEETING, SEPTEMBER 21-24, 2000.

Motion -- carried

Knight moved that the travel expenditures be approved. Motion carried 7 to 0.

APPROVAL OF COUNCIL MEMBER GALE'S TRAVEL TO HAYWARD, CA, TO ATTEND NATIONAL LEAGUE OF CITIES PUBLIC SAFETY AND CRIME PREVENTION STEERING COMMITTEE MEETING, SEPTEMBER 14-17, 2000.

Motion -- carried

Knight moved that the expenditures be approved. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, except Item18, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 14, 2000.

Bids were opened August 11, 2000, pursuant to advertisements published on:

PUBLIC WORKS

As per specifications

Byron Court from the west line of Byron Street, west and south to and including the cul-de-sac to serve Woodland-Westfield Second Addition - north of Maple, west of Tyler. (472-83206/765627/490738) Does not affect existing traffic. (District V)

Cornejo & Sons Construction - \$75,859.00

Water line extension to serve an area along Seneca from 55th Street South to 63rd Street South and east to the railroad tracks - Seneca from 55th Street South to 63rd Street South) (448-89417/734936/635624/185009 /470606/760684) Traffic to be maintained during construction using flagpersons and barricades. (District V); AND Water distribution system to serve unplatted tracts - south of 55th Street South, east of Seneca. (448-89445/734951 /470621) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Nowak Construction - \$653,454.88 (Aggregate bid total)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

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VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Welding Gases. (130849)

Wichita Welding Supply Inc. -\$.027 (Item 1/per cu. ft.)
\$.020 (Item 2/per cu. ft.)
\$.061 (Item 3/per cu. ft.)
\$.088 (Item 4/per cu. ft.)
\$.099 (Item 5/per cu. ft.)
\$.088 (Item 6/per cu. ft.)
\$.088 (Item 7/per cu. ft.)
\$.023 (Item 8/per cu. ft.)
\$.020 (Item 9/per cu. ft.)
\$.010 (Item 10/per cu. ft.)

POLICE DEPARTMENT: Telecommunication Equipment. (602116)

Portable Computer Systems Inc. - \$155,680.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Spreaders and Snow Plows. (132209)

Murphy Tractor & Equipment Co., Inc. - \$19,968.00 (Group I/total net bid)
Kansas Truck Equipment Co., Inc. \$19,760.00 (Group II/total net bid)

PARK DEPARTMENT/RECREATION DIVISION: Park Lighting at Various Athletic Fields. (785915)

Phillips Southern Electric Co., Inc. - \$19,525.00 (Group I/lump sum total)

FIRE DEPARTMENT/VEHICLE & BUILDING MAINTENANCE DIVISION: Gas Masks and Protection Suites.
(602014)

Reis Environmental Inc OHA Instruments - \$13,184.64 (Group I/total net bid)
\$ 4,662.42 (Group II/total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid,
and the necessary signatures be authorized. Motion carried 7 to 0.

CMB LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption off Premises)</u>
Thomas J. Walter	Osco Drug Store #2111	23232 North Amidon
Thomas J. Walter	Osco Drug Store #2114	8700 West Central
Thomas J. Walter	Osco Drug Store #2132	2501 South Seneca
Thomas J. Walter	Osco Drug Store #2133	3333 East Central
Thomas J. Walter	Osco Drug Store #2135	4035 East Harry
Thomas J. Walter	Osco Drug Store #2147	8131 East Kellogg
Thomas J. Walter	Osco Drug Store #2148	601 North West Street
Thomas J. Walter	Osco Drug Store #2163	2020 North Woodlawn

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

PRELIMINARY ESTS.

PRELIMINARY ESTIMATES:

a) 2000-2001 CDBG street, curb and gutter improvements (Phase A) Asphalt - north of 31st Street South,
east of Broadway. (2000_602342_A/602342_A/621326/800002/533243) Traffic to be maintained during
construction using flagpersons and barricades. (Districts I and III) - \$114,805.00

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- b) 2000 sanitary sewer rehabilitation, Phase C - east of Hydraulic, north of Pawnee. (468-83146 /620291/660416) Traffic to be maintained during construction using flagpersons and barricades. (Districts I and III) - \$240,000.00
- c) Northeast Soccer Complex Parking Lot - Phase 2 - south of 29th Street North, west of Greenwich Road. (472-83139/785000/399131) Does not affect existing traffic. (District II) - \$55,000.00
- d) Water distribution system to serve Springdale Lakes Addition - south of Kellogg, west of 143rd Street East. (448-89485/734979/470649) Does not affect existing traffic. (District II) - \$54,080.00
- e) Lateral 405, Southwest Interceptor Sewer to serve YMCA South Addition - west of Meridian, north of I-135. (468-82865/743837/480525) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$70,600.00
- f) Highland Springs from the east line of the Plat west to the northwest line of Lot 20, Block C; Aksarben from the north line of Highland Springs, north to the north line of the Plat; Remington Lane from the south line of Highland Springs, south to the southwesterly line of Remington Lane Court; Highland Springs Court from the north line of Highland Springs north to and including the cul-de-sac; Remington Court from the south line of Remington Lane south to and including the cul-de-sac, and; Sidewalk along both sides of Highland Springs, from the east line of the Plat to the northwest line of Lot 20, Block C, on one side of Aksarben from the north line of Highland Springs, north to the south line of Highland Springs, south to the southwesterly line of Remington Lane Court to serve Highland Springs Second Addition - west of 135th Street West, south of Central. (472-83142 /765630 /490741) Does not affect existing traffic. (District V) - \$332,000.00
- g) I-235 Corridor Landscaping from south of Zoo Boulevard to Broadway north. (87 TE-0072 01/472-82592/706358/405189) Traffic to be maintained during construction using flagpersons and barricades (District VI) - \$348,739.90

Motion -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to

EASEMENT

EASEMENT:

Temporary construction easement for a tract of land in the west half of Section 28, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, from the City of Wichita to Sedgwick County for the Webb Road Project – to expire December 21, 2001. (No cost to City)

Motion --
-- carried

Knight moved that the document be received and filed and the necessary signatures be authorized. Motion carried 7 to 0

IMPROVEMENTS

PETITIONS FOR PUBLIC IMPROVEMENTS - PAVING AND WATER DISTRIBUTION SYSTEM TO SERVE PART OF HICKORY CREEK ESTATES ADDITION – SOUTH OF 13TH STREET, EAST OF 135TH STREET WEST. (District V)

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving and water service to a new residential development.

The Petitions total \$26,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-314

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89492, south of 13th, east of 135th Street West, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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RESOLUTION NO. R-00-315

Resolution of findings of advisability and Resolution authorizing construction of Harvest Lane, from the east line of Harvest Lane Court (Lots 1 through 5, Block 7), east to the east line of the Plat (south of 13th, east of 135th Street West) 472-83259, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

WEAPON

WEAPONS DESTRUCTION.

Agenda Report No. 00-0799.

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided, and includes a total of 140 handguns and 53 long guns. The destruction of the weapons will be witnessed and monitored by Staff.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion -- carried

Knight moved that the list of weapons be received and filed. Motion carried 7 to 0.

TRANSIT

TRANSIT MANAGEMENT SERVICES CONTRACT.

Agenda Report No. 00-0800.

From 1981 through 1999, the City has directly, or through the Wichita Metropolitan Transit Authority, contracted with Ryder/ATE for professional transit management services. Ryder/ATE has since been purchased by First Group/First Transit and on April 4, 2000, the most recent contract was approved. Services are provided through First Group/First Transit at a rate of \$8,017 per month for a period of six (6) months with services provided on a month-to-month basis.

A new contract extension has been negotiated, continuing the rate of \$8,017 per month, becoming effective July 1, 2000. The contract continues service on a month-to-month basis for a period not to exceed six months, cancelable on a 30-day notice. City Staff is examining the long-term management alternatives for transit management.

Funding for the contract is included in the 2000 Department Budget.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EASEMENT

EASEMENT ENCROACHMENT AGREEMENT. (District II)

Agenda Report No. 00-0801.

The agreement allows Roger and Alina Borchardt to occupy and construct, for Lot 12, Block 1, Wilderness 4th Addition, improvements on, over, and across, the aforesaid public easement described as the west 30 feet of Lot 12, Block 1, Wilderness 4th Addition, hereinafter referred to as Tract "A" and waives all right of action in law arising out of the encroachment into the easement. The improvement is a wrought iron fence with brick pillars along the west property line, part of the south property line, and 20 ft. south of the north property line of said Lot 12, encroaching into Tract "A".

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The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in, or failure, of said sewer line lying within or adjacent to Tract "A", and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property within or adjacent to the easement.

There are no financial considerations.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CDBG CONTRACT

ORPHEUM PERFORM ARTS CENTRE, LTD. CONTRACT.

Agenda Report No. 00-0802.

On March 7, 2000, the City Council authorized CDBG funding to assist the Orpheum Performing Arts Centre, Ltd., in the restoration of the Orpheum Theater.

This is a historic challenge grant to protect and preserve this National Register historic property. The funds will be used to up-grade an electrical panel, remodel and fixture replacement for restrooms, restore the vestibule area of the theater, and restorate an electronic signboard for the Marquee. The contract term is July 1, 2000 to June 30, 2001.

The contract for the Orpheum Theater in the amount of \$250,000 and is funded in the approved 2000/2001 CDBG budget. Funds will be released contingent on the Orpheum Performing Arts Centre, Ltd., provide matching funds on a dollar-for-dollar basis to match City CDBG funding.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

RESPREAD SPECIALS

AGREEMENTS TO RESPREAD ASSESSMENTS: MAPLE DUNES ADDITION – NORTH OF MAPLE, WEST OF 135TH STREET WEST. (District V)

Agenda Report No. 00-0803.

The developer of Maple Dunes Addition, R.C.K. Construction, Inc., has submitted four Agreements to respread special assessments within the Addition.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreements are to respread special assessments on an equal share basis for each lot. Without the Agreements, the assessments will be spread on a square foot basis. The agreements will equalize the assessments for each lot, making it easier for the developer to market the lots.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR ZOO BOULEVARD, 13TH STREET TO WINDMILL ROAD. (District VI)

Agenda Report No. 00-0804.

On July 30, 1996, the City Council entered into an agreement with Professional Engineering Consultants, P.A. (PEC) to design Zoo Boulevard from 13th Street to Windmill Road. On January 13, 1998, the City Council approved Supplemental Agreement No. 1, which required PEC to design improvements to the I-235 Interchange at Zoo, and to make pavement and construction phasing design changes to accommodate the construction of the Northwest Transmission Water Line. On June 16, 1998, the City Council approved Supplemental No. 2, which required PEC to design plans to tower light the I-235/Zoo Boulevard Intersection.

PEC has been asked to design a bike path on Zoo Boulevard from Central to Westdale which would provide a direct linkage between the Arkansas River Trail and the Northwest Wichita bike paths (CIP No. P-390002).

PEC has also been asked to design a bike path on Zoo Boulevard from Westdale Drive to Windmill Road that includes a pedestrian bridge that will link up with the Sedgwick County path system and to west Wichita (CIP No. P-390009). Sedgwick County has agreed to pay 50% of the design and construction cost.

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Payment to PEC for Supplemental Agreement No. 3 (Zoo, Central to Westdale) will be made on an hourly basis with a maximum fee of \$61,000. Supplemental Agreement No. 4 (pedestrian bridge) will be made on an hourly basis with a maximum fee of \$55,500. The funding source for the City share is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR SPRINGDALE LAKES ADDITION – SOUTH OF KELLOGG, EAST OF 127TH STREET EAST. (District II)

Agenda Report No. 00-0805.

The City Council approved the project on July 18, 2000.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Springdale Lakes Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$22,300, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR HUNTCREST SECOND ADDITION – SOUTH OF HARRY, EAST OF WEBB. (District II)

Agenda Report No. 00-0806.

The City Council approved the project on June 22, 1999.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Huntcrest 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$14,500, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Agenda Item No. 18)
TREE GRANT

FORREST C. LATTNER GRANT – THE GREENING OF WICHITA PROJECT.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 00-0807.

The City of Wichita/Greening of Wichita project has been awarded a \$50,000 grant from the Forrest C. Lattner Foundation. This grant provides the opportunity to lead-off and leverage support for the planting of 100,000 trees project, their care, maintenance, environmental and health benefits to citizens in the City of Wichita. This grant will also allow the City to develop cutting-edge technology to promote an effective education and community awareness plan that will improve the environment.

The project will be divided into two phases: The first will include an analysis of the overall green-canopy of the City and to determine green-space needs. The second phase will involve the formation of a public-private coalition to promote the mission of the Greening of Wichita project throughout this community.

The project will help the City further comply with some of its current and upcoming environmental objectives, including reducing the cost of stormwater runoff, lowering home and office energy use and improving property values.

The \$50,000 grant will be placed in a separate budget account and used for the Greening of Wichita project.

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The City has the authority to accept donations and use grant funds as deemed necessary for the health, safety and welfare of the community.

Motion -- carried

Knight moved that the donation be received and the use of the grant funds be authorized. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ AUGUST 8, 2000)

- a) Amendments to Title 26 – requirements for storm shelters in mobile home parks.

ORDINANCE NO. 44-698

An Ordinance amending Section 26.04.135 of the Code of the City of Wichita, Kansas, pertaining to Manufactured Home Park Shelter Requirements, and repealing the original of said Section, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b) Tree trimming.

ORDINANCE NO. 44-699

An Ordinance adding Section 9.08.025 of the Code of the City of Wichita, Kansas, pertaining to tree pruning, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

FIRST READING ORDINANCE - WEED MOWING.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, introduced and under the rules laid over.

PLANNING AGENDA

Marvin Krout

Director of Planning stated that Items 21 and 22 could be considered as consensus Items unless the Council desired to withhold other items.

Motion -- carried

Knight moved that Planning Agenda Items 21 and 22 be approved as consensus Items. Motion carried 7 to 0.

VAC2000-00028

VAC2000-00028 – REQUEST TO VACATE A PORTION OF A 25-FOOT BUILDING SETBACK GENERALLY LOCATED AT THE NORTHEAST CORNER OF PARKDALE AND 17TH STREET NORTH (1804 NORTH PARKDALE). (District V)

Agenda Report No. 00-0808.

Staff Recommendation: Approve vacation of a portion of building setback.
MAPC Recommendation: Approve vacation of a portion of building setback. (unanimous)

The applicant is requesting to vacate 10 feet of a 25-foot platted building setback along one street of a corner lot, for the addition of a third bay to the existing garage. The “street side yard” in the zoning code is only 15 feet.

No one spoke in opposition to this request at the MAPC’s advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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SUB2000-19

SUB2000-19 PLAT OF POWERS ACRES ADDITION LOCATED ON THE WEST SIDE OF 143RD STREET EAST, NORTH OF MACARTHUR. (District II)

Agenda Report No. 00-0809.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

This plat is zoned RR, Rural Residential and is located in the County within three miles of Wichita's City limits. The site has been approved by the County Health Department for the use of on-site sanitary sewer and water facilities. A restrictive covenant has been provided regarding the twin lagoon sewage system to serve the property.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The restrictive covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

Agenda Item No. 23)
CON2000-00018

CON2000-00018 CONDITIONAL USE TO ALLOW THE SALE OF USED CARS ON PROPERTY ZONED "LC," LOCATED AT BROADWAY AND MORRIS - 1017 SOUTH BROADWAY. (District I)

Marvin Krout

Director of Planning reviewed the Item

Agenda Report No. 00-0810.

MAPC Recommendation: Approve, subject to conditions (9-3)
Staff Recommendation: Approve, subject to conditions.
DAB Recommendation: Approve, subject to conditions (7-0).

This case involves an appeal of the MAPC's approval of a Conditional Use to permit used car sales on a platted ¼-acre tract of land. The applicants indicate a desire to offer up to 15 vehicles for sale. This property is zoned "LC" Limited Commercial and is located north of Morris, on the west side of South Broadway (see map). Woven wire fencing surrounds the application area. Access to the site is from South Broadway and from an alley located to the west. Currently the site is developed with a two-story building. A jewelry repair shop is located on the first floor with an apartment on the second floor. The jeweler operating the first floor business resides in the upstairs apartment. The occupant will vacate the site should the Conditional Use be approved.

The property north of the application is a vacant lot and zoned "LC" Limited Commercial, the property to the south is a residence and it is zoned "LC" Limited Commercial; to the east is a vacant lot and is zoned "LC" Limited Commercial; to the west are residential houses and zoned "MF-18" Multi-Family.

Outdoor vehicle and equipment sales in the "LC", Limited Commercial district may be permitted as a Conditional Use if: the location is contiguous to a major street; visual screening of areas contiguous to residential zoning is provided; storage and display areas shall be paved with concrete, asphalt or other comparable material; outdoor lighting shall employ cut-off luminaires and shall be mounted at a height not exceeding one-half the distance from the neighboring lot unless evidence is shown that the light source is not visible from the neighboring lot; no noise amplification system projecting human voices or music shall be permitted if the music or voices can be heard within any residential zoning district located within 500 feet of the site; no repair work shall be conducted except in an enclosed building; and no body or fender work is permitted.

On June 15, 2000, the MAPC deferred this request for two weeks and the applicant was asked to submit a revised site plan. On June 29th, the MAPC voted 9-3 to recommend approval subject to the submittal of another revised site plan. The dissenting Commissioners felt that the property was too small to be effectively put to this use.

Subsequent to the June 29th MAPC meeting, valid protest petitions were received within the 14-day legal protest period. The protest petitions constitute over 30.2% of the notification area. Due to a successful protest, approval will require at least a ¾ vote of all members of the governing body.

On July 13th, MAPD staff referred this case to the District Advisory Board (DAB), for District 1, for consideration on August 7, 2000. During the meeting, there was no one to speak either in opposition or support. The applicants were present to respond to questions. The DAB Members recommended that the request be approved by a 7-0 vote.

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Motion -- carried

Rogers moved that the conditional use request be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-316

A Resolution authorizing a Conditional Use to allow vehicle and equipment sales, outdoor, on 0.16 acres zoned "LC" Limited Commercial located at Broadway and Morris (1017 South Broadway) in the City of Wichita, Kansas under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-427, as amended, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

EXECUTIVE SESSION

Motion --

Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to the acquisition of real property for public purposes; matters relating to employer-employee negotiations; and confidential data relating to the financial affairs or trade secrets of a business; and return at 10:55 a.m. Motion carried 7 to 0.

-- carried

RECESS

The City Council recessed at 10:24 a.m. and returned at 11:14 a.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

(The City Council returned to take up the Sanitary Sewer Item on the New Business Agenda; action is shown in Agenda order.)

RECESS

The City Council recessed at 11:30 a.m. and reconvened at 7:00 p.m.

Wichita, Kansas, August 15, 2000
Tuesday, 7:00 p.m.

The City Council met in recessed session at Midway Baptist Church, 5135 South Broadway, 7:00 p.m. Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte; present. Council Member Rogers absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

A 00-11

A 00-11 – ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED SOUTH OF 55TH STREET SOUTH, FROM WEST OF SENECA TO THE EAST AND WEST OF GROVE. (Districts III and IV)

Marvin Krout

Director of Planning reviewed the Item

Agenda Report No. 00-0797.

On June 6, 2000 the City Council adopted a Resolution that established August 15, 2000, at 7:00 p.m. at Midway Baptist Church, 5135 S. Broadway, Wichita, Kansas as the date, time, and place for a public hearing for this annexation. The properties proposed for annexation are located south of 55th Street South, from west of Seneca to the east and west of Grove, and constitute the second phase of a three phase annexation initiative. The first phase was officially approved on March 21, 2000 and brought approximately 1,386 acres into the City.

The subject area consists of approximately 159 acres and 56 properties (10 platted and 46 unplatted). The land-use pattern consists of 29 residential tracts, 16 vacant or farm related tracts or reserves, and one (1) church, cemetery or public utility tracts. The majority of the area is zoned "RR" Rural Residential and "SF-20" Single-Family Residential, with a few small areas zoned "LC" Limited Commercial. Those areas zoned "RR" and "SF-20" will convert to the "SF-6" Single-Family Residential district upon annexation (SF-10 if requested by property owner) while other properties will retain their existing zoning. The proposed area for annexation is also within the 2010 and 2030 Urban Service boundaries found in the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change, adopted by the Metropolitan Area Planning Commission on March 16, 2000, and by the Wichita City Council on July 18, 2000.

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An informational meeting regarding the proposed annexation was held on August 1, 2000 at Midway Baptist Church, 5135 S. Broadway. Eight property owners and interested citizens attended the meeting and asked numerous questions regarding the proposed annexation.

In accordance with Kansas statute, a Service Extension Plan was prepared for this unilateral annexation. The Plan describes the means by which City services will be extended to the area.

The total appraised value of the land and improvements proposed for annexation is \$1,951,240 resulting in an annual City Ad Valorem tax revenue of approximately \$8,503.

Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, a map (showing the properties included) and a notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area and to other established governmental entities and utility services. Copies of the Resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on June 29, 2000. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Comprehensive Plan. The MAPC found the proposed annexation in conformance with the Comprehensive Plan by a unanimous vote (10-0).

In conducting the public hearing, Kansas statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

Mayor Knight	Mayor Knight inquired whether anyone wished to be heard.
Wayne Bowman	Wayne Bowman said he did not understand why the City wanted to annex one small piece out of an area and not take the whole area. Mr. Bowman said the ditches are not being mowed and, in the future, there will be downed tree limbs. Not being able to burn the tree limbs will present a problem.
	Mr. Bowman also inquired regarding the number of vehicles that can be parked on property.
Mrs. Bowman	Mrs. Bowman said City water was not wanted and a petition will be presented to not have water.
Marvin Krout	Director of Planning explained City policy regarding annexations and the concern regarding pockets of eligible land not being annexed.
Larry Garcia	Fire Chief stated that City Ordinances forbid burning without certain requirements being met. This area probably does not have adequate water resources.
Kurt Schroeder	Superintendent of Central Inspection explained that there are no limits to the number of operable vehicles on property, as long as they are parked on all-weather surfaces. The rules are the same for both the City and County.
Tim/Linda Wichert	Tim and Linda Wichert spoke against annexation and said they would petition not to have water.
Motion -- -- carried	Gale moved that the Public Hearing be closed; the annexation request be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Rogers absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 00-11

ADJOURNMENT

The City Council meeting adjourned at 7:35 p.m.
Pat Burnett CMC
City Clerk